IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

Bail Appl..No. 3861 of 2007()

CRIME NO.407/07 OF KOLLAM EAST POLICE STATION
CMP.3018/2007 of J.M.F.C.-II, KOLLAM

.....

PETITIONERS/ACCUSED 1 AND 3

---

1. THOMAS @ JOY, AGED 39 YEARS,
S/O PAPACHAN, KANNAYIKKAL VEEDU,
MANDOOR CHERRI, CHERUTHAZHAM VILLAGE,
KANNUR TALUK & DISTRICT.

2. SUNIL KUMAR, AGED 34,
S/O ACHU, POOVAN VEETTIL,
IRITTY VILLAGE, THALASSERI TALUK,
KANNUR DISTRICT.

BY ADV. SRI.V.V.RAJA
SRI.M.T.SURESHKUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

- -

B.A.No. 3861 of 2007

- -

Dated this the 22nd day of June, 2007

O R D E R

Application for regular bail. The petitioners are accused 1 and 3. They along with the co-accused (A2) face allegations under the provisions of the Kerala Abkari Act. They had allegedly kept in their possession and transported 7315 litres of spirit in a vehicle. The offence was detected and the accused were arrested on 19.4.2007. They were produced before the learned Magistrate on 20.4.2007 and they continue in custody from that date.

2. It is unnecessary to advert to the factual controversy raised. It is conceded that the investigation is not complete and charge sheet has not been filed. A period of 60 days has by now elapsed from the date of their first remand and the final report has not been filed. The petitioners also are entitled, like the second accused who has already been released as per order dt. 20.6.2007, to bail by default.

This application is allowed.

2) The petitioners shall be released on bail on the following terms and conditions.

(a) They shall execute bonds for Rs.3,00,000/- (Rupees three lakhs only) each with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(b) They shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on all Mondays and Fridays until further orders.

© The petitioners shall not leave the Sessions Division of Kollam until further orders without the permission of the learned Magistrate.

(R. BASANT)
Judge

tm